MISCELLANY.

Should Common Law Be Taught in the Public Schools?—Mr. Justice Atkin, speaking in Liverpool on Wednesday night before the University Board of Legal Studies, made the proposal that Common Law should be included in the curriculum of secondary and other schools. He said that the general public was either frightened of law or very abusive of it, and sometimes both. This was because it knew very little about law. The majority of disputes were due to laymen themselves, who were unable to state their agreements in plain words and would not employ a lawyer to express their agreements for them. The disputes that arose over Acts of Parliament were not due to lawyers, and if they were submitted to competent counsel or solicitors after their third reading they would be much better than they were now. The misconception of law and lawyers would be altered if the elementary principles of English law were spread among the people more widely. Law ought to form part of a general education, and would form a useful subject to boys of about sixteen in mental gymnastics, besides giving them knowledge which would be of great help to them in their relations with their fellow men.—London Law Journal.

Intimations of Ben Hur.—Ben Hur—the famous chariot race—the breaking of the wheel—the winning of the race—are all brought back to mind in the case of Carleton *v.* Fletcher, 85 Atlantic Reporter, 395, a horse race case. In the 2:20 race three horses were entered, Kohl, Sidnut and Roanbird. Plaintiff was the owner of Sidnut, and a superintendent of defendant racing society owned Roanbird. The race was on. In the fourth heat Kohl had the pole with Sidnut next and Roanbird outside. As they went down the turn a modern Ben Hur, Roanbird's driver, touched her with the whip and swung up against Sidnut's wheel and onto his legs, causing him to break and run. Thereupon Roanbird's driver pulled away, and the other driver got Sidnut back to his stride and finished second; but the defendants as judges of the race, set Sidnut back for "foul driving and interfering" on the part of his driver. Upon this occurring, Sidnut's driver appeared before the judges and attempted to explain the incident, according to the facts as claimed by him. As a reward for his explanation he was knocked down by "Ben Hur" in the presence of the judges and beaten and bruised until he was unconscious. It further appeared that in this heat Sidnut cast the larger part of one of his shoes, which was not discovered for 10 or 15 minutes after the heat. Search was then made for a blacksmith, but when one was found only 5 minutes remained before the fifth heat was to be started. The judges thereupon required plaintiff to have his horse

shod in that time or race him without being shod. The blacksmith declared that it was impossible to put on a shoe in 5 minutes, but the judges ordered the fifth heat to go on without Sidnut, and according to plaintiff the heat was started and raced after sunset in violation of the rules. The next day plaintiff protested the action of judges in terms which reflected upon their good faith, whereupon his horse and driver were suspended. Plaintiff then brought this action against defendants to recover damages caused by their willful and malicious conduct as judges of the horse race and in suspending his horse. The jury returned a verdict in favor of plaintiff for $708.15. The Supreme Judicial Court of Maine holds that the evidence reasonably sustains plaintiff's case, and overrules defendants' motion for a new trial.—National Corporation Reporter.

Public Officers and Private Profits.—A somewhat unusual question was presented in Shields *v.* Coal Co., 86 Atl. 784. A sheriff was employed by a coal company to furnish deputy sheriffs to guard its property during a strike under a contract which involved a profit to him. The coal company balked at payment and suit was brought by the sheriff. The plaintiff admitted that he would not furnish special deputy sheriffs in such a case "unless there was something in it for" him. Such an attitude by a Pennsylvania sheriff in a labor trouble case is not surprising; in fact, the peace officers in a great part of that State have been for years as frankly mercenary as the "free troops" of the middle ages. In holding such a contract contrary to public policy and void, the Supreme Court of Pennsylvania was obliged to reverse the decision of the trial court, which refused to instruct for the defendant after the plaintiff had admitted that the contract carried a profit for him and that he would not have rendered the service required of him by his oath of office if such were not the case. No doubt the Pennsylvania sheriffs in such cases (and they are sadly numerous in that State), will collect in advance for services of the character indicated, and not leave it to the courts to determine their right to levy toll on one party or the other to a labor controversy,—furnishing all the deputies required by the employer if he "comes across" liberally, and refusing to furnish any at all if the laborers produce an alluring honorarium in return for a little apathy on their part.—National Corporation Reporter.